

REMARKS

The non-final Office Action of May 27, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 11, and 21 have been amended. No new matter has been added. Claims 1-7, 11-17, and 21-27 remain pending upon entry of the present paper.

Telephonic Interview

Applicants wish to thank Examiner Caschera for the courtesies extended to the applicants' representatives during the telephonic interview on August 1, 2008. The below remarks include applicants' statement of substance of interview in accordance with MPEP § 713.04.

Allowable Subject Matter

Preliminarily, applicants note with appreciation the indication that claims 2-7, 12-17 and 22-27 include allowable subject matter.

Specification/Claim Objections

Objection to the Specification

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. However, as agreed during the interview, the objection to the specification will be withdrawn.

Objection to claim 21

Claim 21 stands objected to because of informalities. Applicants have amended claim 21 to correct minor informalities rendering the rejection moot. As such, applicants respectfully request that the objection be withdrawn.

Rejections under 35 U.S.C. § 101

Claims 11-17 and 21-27 stand rejected under U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claim 11 (and claims 12-17 which depend on claim 11), as agreed during the interview, the rejection will be withdrawn.

With respect to claim 21 (and claims 22-27 which depend on claim 21), as agreed during the interview, applicants have amended claim 21 to recite “a physical machine-readable storage medium” to overcome the rejection. Accordingly, applicants respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-7 and 11-17 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended claims 1 and 11, thus rendering this rejection moot.

Rejections Under 35 U.S.C. § 103

Claims 1, 11, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,075,575, hereinafter “Schein”). Applicants respectfully traverse this rejection for at least the following reasons.

Amended claim 1 recites, *inter alia*, wherein each modification of the non-textual attribute corresponds with a number of times the object has been selected. However, selecting the scroll bar as described in Schein fails to teach or suggest such a feature. Applicants respectfully disagree that moving a scroller on a scroll bar constitutes a selection, but even assuming, *arguendo*, that such an interpretation is proper, the interpretation still fails to suggest the features of claim 1. Notably, there is no correspondence between the modification of the position of the scroller within the trough and the number of times that the scroll bar has been selected. While a user may move a scroller from position A to position B and back to position A in Schein, there is no teaching or suggestion that the position of the scroller (i.e., position A) corresponds to a number of times the scroller was selected. In fact, since the scroller begins and ends at the same position, it would be nearly impossible to determine if the scroller has been selected, much less a number of times. As such, correspondence between the position of the scroll bar and the number of times the scroll bar has been selected is clearly not taught or suggested by Schein. Therefore, Schein fails to teach or suggest at least the feature of wherein

each modification of the non-textual attribute corresponds with a number of times the object has been selected as recited in claim 1. Thus, Schein fails to teach or suggest each and every element of claim 1 and, therefore, claim 1 is allowable.

Independent claims 11 and 21 recite features similar to the distinguishing features of claim 1, and are allowable for at least the same reasons as claim 1 above.

CONCLUSION

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
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Date: August 6, 2008

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